

SEP 11 2017

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
(Riverside)

THE PEOPLE OF THE STATE OF CALIFORNIA,

Case Number: RIF1503316

Plaintiff,

PEOPLE'S REQUEST FOR
DISPOSITION/RULING UNDER
PENAL CODES

v.

§§ 1203.3, 1203.4, 1203.4a, 17(b)

BENJAMIN RUSSELL SHAFER,

Defendant.

INTRODUCTION

"The prosecuting attorney shall be given a two day written notice and an opportunity to be heard . . . except that, as to modify(ing) or terminating a protective order in a case involving domestic violence... the prosecuting attorney shall be given a five-day written notice and an opportunity to be heard." (Pen. Code, § 1203.3, subd. (b)(1).) "Relief shall not be granted under this section unless the prosecuting attorney has been given 15 days' notice of the petition for relief. The probation officer shall notify the prosecuting attorney when a petition is filed, pursuant to this section." (Pen. Code, § 1203.4, subd. (e)(1).)

PEOPLE'S REQUEST

The People request the court grant relief pursuant to ☐ 1203.3 ☐ 1203.4 ☐ 1203.4a ☐ 17(b).

The People request the court deny relief pursuant to ☐ 1203.3 ☒ 1203.4 ☐ 1203.4a ☐ 17(b)
for the following reason(s):

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JURY ROOM COURT OF CALIF
C. J. JUDGE

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1Y _____

- 1 ☒ Petitioner presents no competent evidence for the court to grant relief.
2 ☐ Petitioner was not granted probation. Petitioner was sentenced to state prison.
3 ☐ Petitioner is currently serving a sentence, charged with an offense, and/or is on probation.
4 ☐ Crime is enumerated in ☐ 1203.4(b) ☐ 1203.4(c).
5 ☐ Petitioner was found in violation of probation on _____.
6 ☐ Petitioner committed new law violation(s) on _____.
7 ☐ Fines and fees not paid. _____ still owed.
8 ☐ Restitution not paid. _____ still owed.
9 ☐ 1203.3 early termination is not appropriate. Petitioner has been on probation for _____.
10 ☐ Bargained for disposition – Court lacks the authority to change plea agreement to terminate
11 probation early (People v. Segura (2008), 44 Cal 4th 921.)
12 ☐ 17(b) is inapplicable because crime is not punishable as a misdemeanor.
13 ☐ Circumstances of the offense and the defendant's background do not support 17(b).
14 ☐ Motion previously denied on _____.
15 ☒ Other: DEFENDANT WAS NOT PLACED ON PROBATION, AND HAS NOT
16 PROVIDED EVIDENCE THAT INTERESTS OF JUSTICE ARE SERVED BY
17 GRANTING RELIEF.
18 ☐ People request Court order attorney's fees for services of the public defender.
19 ☒ People request Court order reimbursement to the County for costs of \$150, per §1203.4(d).
20 ☒ People request Court order reimbursement to the County for costs of \$60, per §1203.4a(e).

22 CONCLUSION

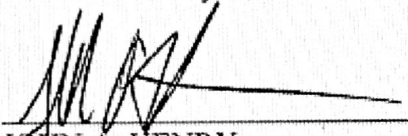
23 The People respectfully request that defendant's request for relief under Penal Code section
24 ☐ 1203.3 ☒ 1203.4 ☐ 1203.4a ☐ 17(b) be **granted**.

25 For all the foregoing reasons, the People respectfully request that defendant's request for
26 relief under Penal Code section ☐ 1203.3 ☒ 1203.4 ☐ 1203.4a ☐ 17(b) be **denied**.

28 Dated: 09/06/17

29 Respectfully submitted,

30 MICHAEL A. HESTRIN
31 District Attorney

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33 JOHN A. HENRY
34 Supervising Deputy District Attorney
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